



#22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Klaus Grohe, et al.
SERIAL NO. : 614,923
FILED : May 29, 1984
TITLE : 7-AMINO-1-CYCLOPROPYL-4-OXO-1,4-DIHYDRO-
QUINOLINE-AND NAPHTHYRIDINE-3-CARBOXYLIC
ACIDS AND ANTIBACTERIAL AGENTS CONTAINING
THESE COMPOUNDS
PATENT NO. : 4,670,444
ISSUED : June 2, 1987

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDED TERMINAL DISCLAIMER

Sir:

Petitioner, Bayer Aktiengesellschaft of Leverkusen, Germany, by its undersigned authorized officers represents that it is the assignee (assignment recorded at Reel 4301, Frame 557) of U.S. Patent No. 4,670,444, filed on May 29, 1984 and issued on June 2, 1987.

Petitioner hereby disclaims the terminal part of the full statutory term as defined in 35 U.S.C. §§ 154 - 156 and 173 of U.S. Patent No. 4,670,444 which would extend beyond the earlier of the expiration dates of the full statutory term as defined in 35 U.S.C. §§ 154 - 156 and 173 of U.S. Patent Nos. 4,544,658 (filed December 9, 1983 and issued October 1, 1985) and 4,556,658 (filed April 24, 1984 and issued December 3, 1985), as presently shortened by any terminal disclaimer. Petitioner hereby agrees that U.S. Patent No. 4,670,444 shall be enforceable

113

only for and during such period that legal title to U.S. Patent No. 4,670,444 shall be the same as legal title to U.S. Patent Nos. 4,544,658 and 4,556,658. This agreement runs with U.S. Patent No. 4,670,444 and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of U.S. Patent No. 4,670,444 that would extend to the earlier expiration date of the full statutory terms as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent Nos. 4,544,658 and 4,556,658, as presently shortened by any terminal disclaimer, in the event that they later: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, have all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory terms.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of U.S. Patent No. 4,670,444.

Respectfully submitted,
BAYER AKTIENGESELLSCHAFT
Leverkusen, Germany

Date: June 30, 1995

By: [Signature]

Title: Director

By: [Signature]

Title: Secretary